REMARKS

This Amendment, submitted in response to the Office Action dated March 28, 2006, is

believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable

reconsideration on the merits is respectfully requested.

Claims 1-25 are now all the claims pending in the present application.

I.   Preliminary Matter

Applicant respectfully requests that the Examiner approve the drawings filed December

28, 2000, by marking acceptance of the drawings in the next Office Action.

II.   Claim Rejections under 35 U.S.C. § 102

Claims 1, 8 and 13-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated

by Wafler (U.S. Patent No. 5,510,896).

Waffler discloses a copy quality correction and calibration method. A scanning

subsystem of a copier is first calibrated. A known test original, which was printed using a

completely calibrated printer subsection, is scanned using the scanning subsystem. The known

test original has predetermined values for testing purposes. A digital representation of the

scanned known original is stored in a memory. Another memory location stores an actual digital

representation of the known original. See col. 6, lines 36-60. The parameters of the scanned

digital representation and the actual digital representation are compared and any differences are

compensated for and the scanner subsystem calibrated. See col. 6, lines 61-65.

Claim 1

Claim 1 recites "an image obtaining section **for obtaining an image** according to an

original image to be subjected to an image processing in said image processing apparatus."

The Examiner asserts that the scanning of the known original image teaches this aspect of the

claim. However, after the known original image is scanned by the scanning subsystem, at no point is the scanned test image subjected to image processing. In particular, the parameter values of the scanned known test original are stored in a memory and compared with an actual digital representation of the known original in order to calibrate the scanning subsystem. However, the obtained parameter values are not used to perform image processing on the original image.

Claim 1 recites "an initial image processing condition determination section for determining **an initial image processing condition** in accordance with the image obtained by said image obtaining section." The Examiner asserts that the comparing of parameter values performed by controller 7 discloses this aspect of the claim.

Claim 1 recites "an image processing condition determination section for determining in accordance with **an operation** an image processing condition **having a desired deviation from the initial image processing condition** determined by said initial image processing condition determination section." The Examiner asserts that the determination as to whether the parameter values are the same and the adjustment of the appropriate input/output function teaches the determining of an initial image processing condition. However, as no point would a deviation be desired after comparing the parameter values in the controller 7. In particular, deviating from the obtained parameter values would appear defeat the purpose of obtaining the parameter values for calibrating the system of Waffler.

Moreover, the Examiner is citing controller 7 for teaching the claimed image processing condition determination section when controller 7 was previously cited for teaching the initial image processing condition determination section. It is improper for the Examiner to cite the same aspect of the reference for teaching distinctly different claim elements.

Further, although the parameter values are used to calibrate the scanning subsystem, at no point are the parameter values used to subject the scanned test original (original image as cited by the Examiner) to image processing.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 13 recites similar elements, claim 13 and its dependent claims should be deemed allowable for at least the same reasons.

Claim 17

Claim 17 recites "wherein the operation is performed by an operator of the image processing condition setting apparatus." The Examiner asserts that Waffler discloses notifying the operator of adjustments to be performed, citing col. 7, lines 3-7, in support. However, the operator is notified **after** a comparator in controller 7 has obtained the parameter values. Consequently, the desired deviation (obtaining a deviation in parameter values as cited by the Examiner) is not determined according to the operation performed by an operator, as recited in claim 17. Therefore, claim 17 should be deemed allowable.

III.   New Claims

Applicant has added claims 23-25 to provide a more varied scope of protection. Claims 23-25 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above.

IV.   Allowable Subject Matter

Claim 22 has been allowed.

The Examiner has indicated that claims 2-7 and 9-12 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims 2-7 and 9-12 in independent form since Applicant believes claims 2-7 and 9-12 will be deemed
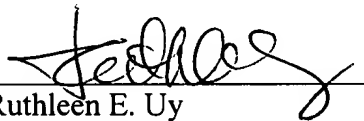
allowable, without amendment, by virtue of their dependency to claim 1 for the reasons set forth

above.

V.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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